

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-95-3899; FR-3894-N-01]

## Notice of Funding Availability for FY 1995 Historically Black Colleges and Universities Program

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice of Funding Availability (NOFA) for Fiscal Year (FY) 1995.

**SUMMARY:** This NOFA announces up to \$4.0 million of FY 1995 funding for the Historically Black Colleges and Universities (HBCU) Program plus any recaptured funds from prior appropriations. In the body of this document is information concerning the following:

- a. The purpose of the NOFA and information regarding available amounts, objectives, eligibility and selection criteria;
- b. Application processing, including how, where and when to apply and how selections will be made.

**DATES:** No applications will be accepted after 4:30 p.m. on August 9, 1995. This application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as *ineligible for consideration* any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. Applications may not be submitted by facsimile (FAX).

**ADDRESSES:** For an application kit contact: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., Room 7255, Washington, DC, 20410-3500. Attn: HBCU Program. Requests must be in writing and may be sent to this address or may be made by facsimile machine to the following number: (202) 708-3363. The TDD number for the hearing impaired is (202) 708-2565. (This is not a toll-free number.) When requesting an application kit, please refer to document FR-3894, and provide your name, address (including zip code), and telephone number (including area code). Requests for HBCU application packages should be made immediately. HUD will

distribute application packages as soon as they become available.

**Application Submission:** An original and three copies of the completed application should be submitted to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., Room 7255, Washington, DC, 20410-3500. Attn: HBCU Program.

**FOR FURTHER INFORMATION CONTACT:** Dr. James Turk, Office of Technical Assistance, Department of Housing and Urban Development, 451 7th Street, SW., Room 7253, Washington, DC 20410. Telephone Number: (202) 708-3176. The TDD number for the hearing impaired is (202) 708-2565. (These are not toll-free numbers.)

### SUPPLEMENTARY INFORMATION:

#### Paperwork Reduction Act Statement

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520). The control number for information described in this document is 2506-0122.

#### I. Purpose and Substantive Description

**Purpose.** This program is designed to assist HBCUs to expand their role and effectiveness in addressing community development in their localities. For the purposes of this program, the term "locality" includes any city, county, town, township, parish, village, or other general political subdivision of a State within which an HBCU is located. An HBCU located in a metropolitan statistical area (MSA), as established by the Office of Management and Budget, may consider its locality to be one or more of these entities within the entire MSA. The nature of the locality for each HBCU may, therefore, differ depending on its location.

**Objectives.** The objectives of this program are:

1. To help HBCUs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, consistent with the purposes of title I of the Housing and Community Development Act of 1974; and
2. To help HBCUs address the needs of their locality(ies) while furthering the following HUD values:
  - A Commitment to Community;
  - A Commitment to Support Families;

- A Commitment to Economic Lift;
- A Commitment to Reciprocity and to Balancing Individual Rights and Responsibilities.
- A Commitment to Reducing the Separations by Race and Income in American Life.

3. Consistent with section 3 of the Housing and Urban Development Act of 1968, it is HUD's policy to encourage and ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing.

Applicants must address objective 1 by successfully demonstrating how the proposed activities will expand the role of the HBCU in meeting local community economic development and/or housing needs while furthering HUD's values identified in objective 2.

#### A. Authority

This program is authorized under section 107(b)(3) of the Housing and Community Development Act of 1974 (the 1974 Act), which was added by section 105 of the HUD Reform Act of 1989. The program is governed by regulations contained in 24 CFR 570.201 through 570.207, 24 CFR 570.400, 570.404 and 24 CFR part 570, subparts A, C, J, K and O.

#### B. Allocation Amounts and Form

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act 1995 (approved September 28, 1994, Pub. L. 103-327) (1995 App. Act) appropriated \$44,000,000 for special purpose grants pursuant to section 107 of the Housing and Community Development Act of 1974. This notice announces HUD's intention to award up to \$4.0 million from these FY 1995 funds (plus any additional recaptured funds from prior appropriations) to fund HBCU projects. The maximum amount awarded to any applicant will be \$500,000. The awards will be made in the form of grants.

#### C. Eligibility

1. **Eligible Applicants.** Only HBCUs as determined by the Department of Education in 34 CFR 608.2 in accordance with that Department's responsibilities under Executive Order 12677, dated April 28, 1989, are eligible to submit applications.

2. **Eligible Activities.** Activities that may be funded under this NOFA are those activities eligible for Community

Development Block Grant (CDBG) funding. They are listed in 24 CFR 570.201 through 570.206. Basic eligible activities include:

- a. Identifying specific needs for affordable housing and increasing housing opportunities for low- and moderate-income persons throughout the locality;
- b. Providing adequate infrastructure to support housing and economic development;
- c. Meeting environmental review requirements to permit economic growth;
- d. Supporting community design projects with amenities to improve living conditions and to create a climate which invites investment;
- e. Forming partnerships with the State and local government to address the physical, social and economic needs of the community in a comprehensive manner;
- f. Developing programs that provide a continuum of care for the homeless;
- g. Working with local groups and organizations to combat discrimination in housing, mortgage credit and insurance, and to further fair housing;
- h. Promoting opportunities for the creation and expansion of small businesses and minority enterprises;
- i. Providing technical assistance and opportunities for homeownership;
- j. Providing assistance to preserve the inventory of low-income housing in the locality through rehabilitation and preservation efforts; and
- k. Promoting opportunities for training and employment of low-income residents in connection with HUD and other Federally-assisted projects and activities.

Those applicants planning to use funds for the provision of public services are bound by the statutory requirement that not more than 15% of the total grant amount be used for public service activities.

3. *Environmental Review.* If the applicant proposes activities involving rehabilitation of structures or construction of buildings, an environmental review by HUD is required and the proposed project must pass an environmental review in accordance with 24 CFR part 50, including the authorities at § 50.4. If the requirements of part 50 are not met, HUD reserves the right to terminate all or portions of the award. The grantee is not authorized to proceed with any activity requiring such approval until written approval is received from the HUD State environmental office in your area certifying that the project has been approved.

#### *D. Selection Criteria/Rating Factors*

An applicant must demonstrate that it meets the objectives of this HBCU program by scoring at least 12 of the possible 20 points on rating factor 1 (addressing the objectives) in order to qualify for funding. Applicants must also receive a minimum score of 70 out of the total of 100 points to be considered eligible for funding. Activities which are not eligible for funding under this program (see 24 CFR 570.207) will not be funded. If more than 50 percent of the amount requested in the application is for ineligible activities, the application will not be funded.

Applications for funding under this Notice will be evaluated competitively, and awarded points based on the factors identified below. The Department will rank the applications in descending order according to score. Applications meeting the minimum threshold requirements will be funded in rank order, until all available funds have been obligated, or until there are no acceptable applications.

*Negotiations.* After all applications have been rated and ranked and a determination of successful applicants has been made, HUD requires that all successful applicants participate in negotiations to determine the specific terms of the Statement of Work and grant budget. In cases where HUD cannot successfully conclude negotiations, awards will not be made. In such instances, HUD may elect to offer an award (in an amount not to exceed the amount of remaining funds available for the competition) to the next highest ranking applicant and proceed with negotiations as described above.

*Optional Match.* Although match is not required to qualify for funding, the Department wishes to stress that applicants that evidence a commitment of matching funds, in accordance with Rating Factor 4.b., below, are eligible for more rating points than those not having a match. The maximum number of rating points an applicant can receive for matching funds is 7 points out of the 100 point total. Applicants having a cash match will receive a higher number of points than those only providing in-kind services or not providing any match for program activities. Matching funds may be in the form of cash and/or in-kind goods or services.

*Rating Factors.* The factors set forth below will be used by the Department to evaluate applications. Each application must contain sufficient information to be reviewed for its merits. The score of each factor will be

based on the qualitative and quantitative aspects demonstrated for each factor in an application. The factors, and the maximum number of points for each factor (out of a total of 100 points), are as follows:

#### 1. *Addressing the Objectives.* (maximum points: 20)

The extent to which the applicant addresses the objectives of this program is examined by this factor. Applicants must address objective i. by successfully demonstrating how the proposed activities will expand the role of the HBCU in meeting local community economic development and/or housing needs while furthering HUD's values identified in objective ii.

##### a. The objectives of this program are:

- i. To help HBCUs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, consistent with the purposes of the 1974 Act; and
- ii. To help HBCUs address the needs of their localities in meeting the following HUD values:

- A Commitment to Community;
- A Commitment to Support Families;
- A Commitment to Economic Lift;
- A Commitment to Reciprocity and to Balancing Individual Rights and Responsibilities.
- A Commitment to Reducing the Separations by Race and Income in American Life.

iii. Consistent with section 3 of the Housing and Urban Development Act of 1968, it is HUD's policy to encourage and ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing.

##### b. In rating this factor, the Department will consider:

i. The extent to which the applicant demonstrates that the proposed activities and program will expand its role and effectiveness in addressing community development needs in its locality(ies), in accordance with the objective specified in section I.D.1.a.i. of this NOFA, above; and

ii. The extent to which the applicant demonstrates that the proposed activities will further one or more of the HUD values specified in section I.D.1.a.ii. of this NOFA, above.

iii. The extent to which the applicant demonstrates that it will provide to the greatest extent feasible, and consistent

with existing Federal, State, and local laws and regulations, job training, employment, contracting and other economic opportunities to section 3 residents and section 3 business concerns.

**2. Substantial Impact in Achieving Objectives.** (maximum points: 25)

The extent to which the applicant demonstrates that the proposed activities would have a substantial impact in achieving the objectives in sections I.D.1.a.i. and ii of this NOFA, above, is examined by this factor. In rating this factor the Department will consider:

a. The extent to which the applicant demonstrates how the proposed activities will address high priority needs identified in each locality's community development plan or program, or HUD-approved Consolidated Plan in accordance with 24 CFR part 91.

b. The extent to which the applicant demonstrates how the proposed activities will substantially address the needs of the locality within the framework of HUD's values.

**3. Special Needs of Applicant or Locality.** (maximum points: 10)

The extent to which the applicant demonstrates that the locality has special needs which will be addressed or met by the proposed activities, particularly with respect to benefitting low- and moderate-income persons, including minorities, is examined by this factor. In rating this factor, HUD will consider the urgency of the special need in the locality, particularly with respect to low- and moderate-income persons, including minorities.

**4. Technical and Financial Feasibility and Match.** (maximum points: 25)

The extent to which the applicant demonstrates the technical and financial feasibility for achieving the objectives, including local support for the activities proposed to be carried out in the locality and any matching funds proposed to be provided from sources other than the applicant, is examined by this factor. In rating this factor, the Department will consider:

a. The extent to which the applicant demonstrates the technical feasibility for achieving the objectives within the program period proposed;

b. The extent to which the applicant demonstrates the financial feasibility and local support for the activities to be carried out in the locality, as evidenced by the commitment, from sources other than the applicant, of matching funds, staffing, services, or other in-kind resources. (Applicants that evidence such a commitment of matching funds are eligible to receive a higher score

than those not having a match. See the discussion under the heading *Optional Match* in this section I.D., above.)

**5. Capacity.** (maximum points: 20)

The extent to which the applicant demonstrates the capacity to carry out satisfactorily the proposed activities in a timely fashion, including satisfactory performance in carrying out any prior HUD-assisted projects or activities, is examined by this factor. In rating this factor, the Department will consider:

a. The extent to which the applicant's proposed management plan:

- i. Clearly delineates staff responsibilities and accountability for all work required;
- ii. Presents a work plan with a clear and feasible schedule for conducting all project tasks; and
- iii. Presents a reasonable and adequate planned budget as reflected in the budget-by-task and supporting rationale and justification for the budget.

b. The extent to which the applicant demonstrates the recent and relevant work experience of the staff proposed to undertake the activities described in the Statement of Work.

c. The extent to which the applicant can demonstrate that its past and current projects funded by HUD and/or other Federal or private sector sources are or have been completed on schedule and have met or are meeting goals established for addressing local needs.

d. The extent to which the applicant demonstrates the proposed program manager's capacity, background and experience to carry out the proposed activities in a satisfactory and timely fashion, as evidenced by recent work experience in managing projects of the same or similar size, dollar amount, and types of activities as those proposed in the application.

**II. Application Submission Requirements**

Applicants must complete and submit applications for HBCU grants in accordance with instructions contained in the FY 1995 Historically Black Colleges and Universities Program application package. The application package will request information in sufficient detail for HUD to determine whether the proposed activities are feasible and meet all the requirements of applicable statutes and regulations. The application package requires a Statement of Work which clearly identifies the proposed activities, a narrative response to the Rating Factors identified in section I.D. of this NOFA, a schedule for the program, budgets, and a description of any other public or private resources proposed to be used in

the program. The application package also contains certifications that the applicant will comply with fair housing and civil rights requirements, program regulations, regulations in 24 CFR part 135 with regard to economic opportunities for low-income persons and business concerns, and other Federal requirements. Applicants should refer to the HBCU application package for further instructions.

**III. Corrections to Deficient Applications**

Immediately after the deadline for submission of applications, applications will be screened to determine whether all items were submitted. If the applicant fails to submit certain technical items, or the application contains a technical mistake, such as an incorrect signatory, the Department shall notify the applicant in writing that the applicant has 14 calendar days from the date of the written notification to submit the missing item, or correct the technical mistake. If the applicant does not submit the missing item within the required time period, the application will be ineligible for further processing.

The 14-day cure period pertains only to non-substantive technical deficiencies or errors. Technical deficiencies relate to items that:

- 1. Are not necessary for HUD review under selection criteria/rating factors; and
- 2. Would not improve the substantive quality of the proposal.

**IV. Other Matters**

(a) *Environmental Impact.* A Finding of No Significant Impact with respect to the environment has been made in accordance with the Department's regulations at 24 CFR Part 50 which implement Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays at the Office of the Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, DC 20410.

(b) *Federalism, Executive Order 12612.* The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies and procedures contained in this NOFA will not have substantial direct effects on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government. Specifically, the NOFA solicits HBCU applicants to expand their role in addressing

community development needs in their localities and does not impinge upon the relationships between the Federal government, and State and local governments.

(c) *Family, Executive Order 12606.* The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this document does not have potential for significant impact on family formation, maintenance, and general well-being. The notice only solicits HBCUs to apply for funding to address community development needs in their locality. Any impact on the family will be indirect and beneficial in that better planning of community development needs should result.

(d) *Prohibition Against Lobbying Activities.* The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (The "Byrd Amendment") and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative branches of the federal government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients, and subrecipients of assistance exceeding \$100,000 must certify that no federal funds have been or will be spent on lobbying activities in connection with the assistance.

(e) *Section 102 HUD Reform Act; Documentation and Public Access Requirements.* HUD will ensure that documentation and other information regarding each application submitted

pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these requirements.)

(f) *Section 103 HUD Reform Act.* HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR Part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are limited by Part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR Part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708-3815. (This is not a toll-free number.) The Office of Ethics can

provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

(g) *Section 112 HUD Reform Act.* Section 13 of the Department of Housing and Urban Development Act contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in Appendix A of the rule.

**Authority:** Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301-5320); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d); 24 CFR 570.404.

Dated: March 15, 1995.

**Andrew Cuomo,**

*Assistant Secretary for Community Planning and Development.*

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